

Banning Cigarette Sampling Is Unnecessary and Would Restrict Legitimate Communication Between Manufacturers and Consumers

The Waxman and Synar proposals to ban cigarette sampling are based on misconceptions about the nature and purpose of sampling. Sampling is an important means of communication between cigarette manufacturers and their adult consumers. A federal ban on sampling is unnecessary since current federal and state laws, as well as the cigarette industry's voluntary practices, adequately address concerns about distribution to minors.

Cigarette Manufacturers Neither Encourage Nor Condone the Distribution of Cigarette Samples to Minors.

- Cigarette sampling is directed toward adults who are already smokers -- not to nonsmokers or minors.
- Indeed, cigarette manufacturers subscribe to a voluntary Code of Cigarette Sampling Practices that forbids sampling to persons under the age of 21.
- The Code also prohibits sampling on public streets, sidewalks or parks, except in places that are off limits to minors.
- In addition, the Code prohibits sampling through the mails without written, signed certification that the addressee is 21 years of age or older, a smoker and wishes to receive a product sample.
- The Code requires sampling firms to adhere to these provisions or risk either termination of the sampling contract, or the immediate dismissal of the employee responsible for the infraction.

Most States Have Stringent Laws Banning the Distribution of Cigarettes to Minors.

- Federal laws banning sampling are unnecessary since all states already have laws prohibiting the distribution of cigarettes to youth. Moreover, a recently enacted law conditions certain types of federal block grant funds to the states upon the existence and enforcement of laws prohibiting the sale of tobacco products to persons under age 18.
- Better enforcement of state laws would address any concerns with respect to sampling to youth, without forcing a complete ban on sampling to adults.

2023001783

*Sampling to Adult Smokers is an
Important Promotional Technique.*

- Sampling is a vital and well-established means of introducing adult smokers to new brands and brand styles.
- Sampling, like other forms of tobacco advertising and promotion, does not seek to encourage nonsmokers to start smoking. It is designed merely to encourage current smokers to switch brands.
- There is no evidence that sampling, much less cents-off and other discount offers, is a cause of smoking by young people or anyone else.
- Banning sampling to adults would restrict communication between manufacturers and consumers, depriving current smokers of important information about a product which is legal to sell and use.
- [From an economic standpoint, a ban on sampling is a bad idea because companies that provide promotional services for cigarette companies, like sampling, couponing and other giveaways, would be barred from such activities.]

2023001784